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Docket No.: 480062002500

REMARKS

The Office Action mailed September 4, 2007 (hereinafter, "Office Action") has been reviewed and the Examiner's comments considered. Claims 1-18 are pending in this application. Claims 1, 3 and 12 are amended and new claims 13-18 are added, support for which can be found in the original application at, for example, paragraphs [0026] to [0029] and FIGS. 2-3. Applicants submit that no new matter or issues have been introduced.

Claim Rejections - 35 USC § 112

Claim 3 stands rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office Action alleges that the claim language fails to make clear between which elements of the catheter and/or dividing element a tension is created. In response, Applicants note that claim 3 has been amended to clarify that a tension is created between: at least one of the first or second opening of the dividing element and the split-catheter tip section that is inserted through the respective opening. Applicant further notes that support for this clarification is provided at least in the first sentence of paragraph [0028] of the specification. Accordingly, Applicants respectfully request favorable reconsideration and withdrawal of this rejection under 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 USC § 102

Claims 1-5, 8, 10, and 11 stand rejected under 35 U.S.C. Section 102(e) as anticipated by U.S. Patent No. 7,077,597 to Davies (hereinafter "Davies"). Applicants respectfully traverse this rejection.

Independent claim 1 is directed to a dividing element and recites, *inter alia*, "a bendable body...comprising a first opening and a second opening spaced apart from one another by a distance sufficient to ensure that an inner surface of a first tip section of the split-tip catheter is separated from an inner surface of a second tip section of the split-tip catheter when said body is positioned therebetween."

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Davies, on the other hand, shows and describes an oversized *piece of paper* having punch outs to allow the paper "to be secured in a standard sized *ring binder*." (Davies, Abstract, emphasis added). Even a cursory review of this reference makes clear that Davies was neither configured nor contemplated for use with a split-tip catheter, which aspect is explicitly specified both in the preamble and body of claim 1. Indeed, the paper of Davies is described as a "thin sheet ...upon which indicia may be written or printed," (col. 4, ll. 1-3) and therefore is different from the claimed dividing element body for use with a *split-tip catheter* as claimed. In particular, the claimed dividing element body is recited to include a first opening and a second opening spaced apart "to ensure that an inner surface of a first tip section of *the split-tip catheter* is separated from an inner surface of a second tip section of *the split-tip catheter*" (emphasis added). The Office Action alleges that "the mention of a split-tip catheter is only an intended use, not a positive limitation" (Office Action, p. 3). However, Applicants note that both the preamble and body of amended independent claim 1 recite the limitation of a split-tip catheter, thereby distinctly defining the claimed invention's limitations (*see* MPEP Section 2111.02 (II)). Accordingly, Applicants respectfully submit that Davies does not anticipate claim 1, or claims 2-5, 8, 10 and 11 depending therefrom, and request favorable reconsideration and withdrawal of this rejection under 35 U.S.C. § 102.

Claim Rejections - 35 USC § 103

Claims 6 and 7 stand rejected under 35 U.S.C. Section 103(a) as unpatentable over Davies as applied to claim 1 and further in view of U.S. Patent No. 5,047,121 to Jung. Claim 9 stands rejected under 35 U.S.C. Section 103(a) as unpatentable over Davies as applied to claim 1 and further in view of U.S. Patent No. 5,047,121 to Kochar. Claim 12 stands rejected under 35 U.S.C. Section 103(a) as unpatentable over U.S. Patent No. 6,382,568 to Snell (hereinafter "Snell") in view of U.S. Patent No. 4,925,452 to Melinyshyn et al. (hereinafter "Melinyshyn"). Applicants respectfully traverse these rejections.

With respect to claims 6, 7 and 9, Applicants submit that each is dependent on patentable independent claim 1 in view of the above, and is therefore patentable. Accordingly, without

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conceding the propriety of the asserted combinations, Applicants respectfully request favorable reconsideration and withdrawal of the rejections of claims 6 and 7, and claim 9 under 35 U.S.C. § 103.

Independent claim 12 is directed to a split-tip catheter and a dividing element and recites, *inter alia*, "said dividing element comprising a **bendable** body" (emphasis added).

Differently from the claimed invention, Snell is directed to a diagnostic equipment organizer to prevent the tangling of wires and tubes, such as in the deployment of portable medical equipment in a rescue vehicle or ambulance (*see* col. 1, ll. 6-17), embodiments of which include "a **rigid** tube and wire separation block 12" (col. 3, ll. 13-14, emphasis added). Further, without conceding the characterization of Melinyshyn in the Office Action, Applicant submits that Melinyshyn fails to show or describe a dividing element comprising a bendable body as claimed. Thus, Applicants submit that a *prima facie* case of obviousness has not been established at least because all of the claimed limitations are not taught or suggested by the relied upon combination of references. Accordingly, Applicants respectfully request favorable reconsideration and withdrawal of the rejections of claim 12 under 35 U.S.C. § 103.

New Claims

Independent claim 13 added by this amendment recites a catheter system comprising a split tip catheter and a dividing element configured to maintain a separation between a first tip section and a second tip section of the split-tip catheter, the dividing element comprising a bendable body including a first opening spaced apart from a second opening, the body interposed between the first and second tip sections when at least one of the first and second tip portions is received through at least one of the first and second openings. Accordingly, Applicants believe each of the new claims to be patentable over the cited art in view of the remarks herein.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is

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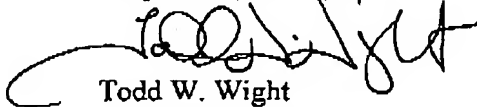
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determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 480062002500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,



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